**“Questionnaire for EU Member States’ judicial authorities**

**on legality and conditions for transmission of information from criminal investigations to authorities responsible for administrative (competition law) enforcement”**

**Introduction**

This questionnaire was developed under the **“Single Market Programme” (SMP-DGCOMP-2023-NCNE-IBA)**, implemented by the European Judicial Training Network (EJTN) with financial support from the European Commission’s Directorate-General for Competition (DG COMP).

Targeted at judicial and law enforcement professionals handling financial and economic crime investigations, the project aims to improve the detection and prosecution of anti-competitive infringements across the EU. It seeks to enhance the role of professionals who, while not directly responsible for competition enforcement, can support competition enforcement authorities at both European and national levels by sharing relevant information.

The questionnaire aims to assess the **legal basis and conditions** in each EU Member State for the **transmission of information obtained in criminal investigations to be used as leads or evidence by European Commission or National Competition Authorities of the Member States for the purpose of detecting and prosecuting breaches of competition law**.

**Questionnaire**

1. **Which country's legal framework are you reporting on in this survey?**
2. **Which institution do you represent?** Please provide the title and email address of your institution.
3. **Does your jurisdiction have laws or regulations that define the legal basis and conditions for transmitting information from a criminal investigation for the detection and prosecution of an administrative infringement, such as a competition law infringement?**

* YES/NO.

1. **If yes, please specify the law(s) and/or regulation(s) governing the transmission of information and provide the relevant text *(for example, articles of the Criminal Code, Criminal Procedure Act, Commercial Act or Competition Act).***

***Please include all applicable provisions related to the legal basis or conditions for such transmission.***

* ACT (official title, in the local language, and English if available):
* ARTICLE (include identifier or numbering and text of the article in the local language, and English if available):

1. **Please specify any relevant case law related to the transmission of information, if applicable.**

***If case law is available, please prioritize rulings concerning transmission to competition authorities. Otherwise, include any other relevant case law on transmission to other administrative authorities.***

* TITLE (official title, in the local language, and English if available):
* Please provide a document or a link to the decision, and underscore any relevant sections of the case law.

1. **Based on your responses above, can information obtained in criminal investigations in your jurisdiction be transmitted to authorities responsible for enforcing competition law breaches?** *Please select the one that best fits your national system.*

* Transmission of information is **authorised / can be inferred** from national rules **in most circumstances**.
* Transmission of information is **authorised / can be inferred** from national rules, **but only under limited circumstances.**
* Transmission of information is **expressly prohibited or prohibited by inference** from national rules in all circumstances.
* National rules **are silent** on whether such transmission is prohibited or permissible.

1. **When or at which stage of the proceedings can the information be shared?**
2. **Who is authorized to share information from a criminal investigation?**

* Criminal investigation bodies belonging to the national police or similar institutions
* Public Prosecutors
* Judicial authorities / investigative judges
* Other:

1. **What types of information can be shared? Are there any restrictions on the information that can be shared?**

***For example, are there limitations based on certain categories of communication (privileged communication), or means of interception, (e.g. phone tapping or digital surveillance)?***

Please specify.

1. **Should any specific procedures be followed for the transmission of information?**

***For example, can information be shared at the initiative of the criminal investigator, or is formal request needed from the national competition authority?***

Please specify.

1. **Please provide the appropriate references to any relevant documentation such a guidelines, administrative directive or training material concerning the process to be followed for information transmission between entities in charge of criminal investigations and prosecution, one the one hand, and competition authorities/administrative bodies, on the other hand.**

If such a document is publicly available, insert the link here. Otherwise, please direct the information to EJTN @ [vanja.tekic@ejtn.eu](mailto:vanja.tekic@ejtn.eu)

1. **Please provide any other information deemed relevant in relation to the topic of this questionnaire.**
2. **Please provide the contact details of the central and/or regional offices of law enforcement agencies in your country that are handling economic and financial crime investigations.**This information will be used to distribute the guidelines and raise awareness about the activities available under the project.